

NATIONAL MUNICIPAL REVIEW

VOL. XI, No. 1

JANUARY, 1922

TOTAL No. 67

VIEWS AND REVIEWS

Revision of the Pontiac manager charter was defeated on November 30 decisively after a hot campaign.

In accordance with the law passed by the last legislature Governor Miller has published the names of those chosen as members of the New York City charter commission. One of the fifteen is Prof. Howard Lee McBain, a member of our advisory editorial board and a former associate editor. The commission is to report to the legislature recommendations for changes in the charter.

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The Council at its meeting on December 12 elected Mr. Carl H. Pforzheimer of Harrison, New York, treasurer to succeed Mr. Vanderlip. Mr. Pforzheimer is a man whose interest of government has come through active efforts for businesslike practices in the administration of the city in which he lives. The League appeals to him as worth while and we are highly gratified that he has seem fit to accept service with us.

We are sorry to lose Mr. Vanderlip who has served us so happily for the past two years, but many other pressing matters compelled him to withdraw.

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During the year 1922, voters in Chicago will take part in four elections and one primary. They will be com-

pelled to register twice, once before the primary and once before the general election. Each voter will be expected to cast a ballot for the election of about fifty different officials during the year, exclusive of the primary. Can you beat it?

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The veteran preference amendment to the New York constitution was defeated at the last election by 400,000 votes. The amendment to increase the salary of legislators to \$3,000 per annum was soundly beaten. The literacy test for voters and the Westchester-Nassau County optional government amendment were both adopted.

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*The
Civil Service*

The annual report of the federal civil service commission just issued sharply raps the veterans' preference act, which requires that all veterans with a rating of 65 be certified for appointment before all others regardless of the rules of appointment. It operates largely to exclude all thus not preferred from appointment in the ordinary clerical grades, but the immediate effects are not so deleterious as they will be when the average age of the veterans passes the expectation of efficiency. Many unqualified persons are selected in

preference to the qualified with the resultant creation of a privileged military class.

The commission is gratified by the new system of choosing presidential postmasters. From May to October, 1921, of 877 nominations made to the senate 426 were through promotion or transfer from the classified service. The others were chosen from the three highest eligibles furnished by the commission. President Harding's executive order of May 10, 1921, following out in spirit Wilson's order of 1917, thus establishes the position of expert postmaster.

The extension of the merit system to cover the 4,185 deputy collectors of internal revenue is urged as an economy to the service and an incentive to efficiency.

And finally the commission calls attention to the need for an employment system in the civil service. Government service no longer attracts the best students of the schools. Some schools report that they advise their students to stay out of government service.

If you are interested in a civil service of which Americans can be proud, we suggest that you keep an eye on the post office department. The first steps toward making the post office a desirable occupation for self-respecting men have already been taken. We expect to publish an article on the subject in our March issue.

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*The
First Federal
Budget*

The long expected has happened. At last a budget has been presented to congress of which the responsible officer in charge could say:

It is to be expected that since the preliminary estimates have been made under pressure by the Executive for proper retrenchment, where consistent with efficiency, it will not be necessary,

as heretofore, for congress to make radical cuts upon the estimates of the budget with any uncertainty as to what will be the result as it effects efficiency.

Although the sentence structure might be improved, there is a wealth of meaning behind this statement of General Dawes. It implies that the estimates of the fiscal needs of the country for 1923 are to be taken at their face value; something that no living congressman has ever been able to do. The reference to executive pressure suggests that this has been attained at cost of long effort with department heads, bureau chiefs and the like. The implication is that the President will defend his budget. In the light of state experience, it is one thing to submit a budget and another to have it passed, as the President doubtless knows.

Two phases of General Dawes' report are of special interest to political scientists. He condemns continuing appropriations. The habit of continuous appropriations, he says, is an encouragement to lack of scrutiny of the work of a department by the head and an encouragement to shiftlessness on the part of subordinates. The League's model state constitution agrees with General Dawes.

The other matter of interest is his prompt recognition of the importance of the administrative organization behind the budget if it is to mean anything. General Dawes complains that the President gives no time to routine business and the several departments are run as if each were an independent authority. No centralized purchase or sales machinery is operative. Administrative heads are selected with little reference to business qualifications. A mere budget system will not put more business in government. All will agree with this.

THE RECALL IN NORTH DAKOTA

BY DORR H. CARROLL

Former Chairman of the North Dakota State Council of Defense

As usually occurs, the measures which the progressives fight for and secure over the agonized protest of the conservatives, are first used by the conservatives as weapons of offence against those who fashioned them.

The recall of officials was a measure initiated by the progressive element in North Dakota after a long and vigorous campaign for that and other measures. It was first used to recall Governor Lynn J. Frazier, Commissioner of Agriculture John Hagden, and Attorney General William Lempke. These men were elected by the Non-partisan League and constitute the state industrial commission which has charge of the state-owned enterprises.

DIFFICULTIES OF STATE-OWNED ENTERPRISES

These enterprises consist of the state flour mills, state terminal elevators and a state home builders' association. The commission also has charge of the Bank of North Dakota. This last named enterprise has been in operation for nearly two years, and has paper profits of \$153,000, on a capital of \$2,000,000 paid in in the shape of a deposit of state industrial bonds. The other enterprises are not in operation to any great extent. The home builders' association has sold some bonds and has made some loans to builders of homes, but the vigorous fight against the operation of the enterprise has made financing of its bonds and mortgages quite difficult, and progress has been slow. One of the state mills was operated at Drake and made some

money in the production of flour, but the mill extended a considerable line of credit to the Consumers' Stores Company, a concern operated something on the Rochdale system of co-operative stores. This concern was not a success, and its failure resulted in the suspension of any large operation by this mill for the present.

The vigorous fight against the state-owned industries by the press opposed to the Non-partisan League measures, the continued summer drouths and the general financial stringency combined to make the inauguration of new business extremely difficult, even though it may be fundamentally sound. In addition to these conditions, some very serious mistakes were made. Some of the money of the bank was used, by legal means, it appears, to finance the fortunes of those friendly to the people in power. Some of the loans made were criticized as not good business. There were also a number of appointments which were patently political instead of business appointments.

The most serious error in the operation of the bank was the nature of the business which it undertook. The reason for the initiation of the state enterprises was to relieve the North Dakota farmer of his dependence upon capital and business outside the state for financing his various enterprises. Farming and stock raising do not tend to create great business and financial centers and the state of North Dakota has no large city within its borders. Fargo, the metropolis, has a population of only 25,000 and Grand Forks and Minot, the two next in size, have but 25,000

together. Thus the farmer desires a state institution of finance which will be available to assist him in his legitimate business needs. His crops are annual and he has no monthly pay check. So he needs long time credits.

The management of the Bank of North Dakota made the error of legislating all the state moneys, county moneys and municipal funds into the bank, and then loaning these funds (many of which were in the nature of quick liabilities) to home builders, long-time farm loans and to the enterprises of terminal elevator and flour mill construction.

An initiated law passed by the people of the state at the last general election transferred the power of placing the state, municipal and county funds from the state industrial commission to the state, municipal and county officers who originally had that power.

These officers were in a large measure influenced by their local personal friends to remove the funds from the Bank of North Dakota, with the natural result that when the bank was liquidated as far as ready money was concerned, there was no money to continue payment of the demands of the local officers for the transfer of funds to other banks. In addition to this, the general conditions and vigorous propaganda above referred to, participated in by the St. Paul and Minneapolis papers, made it impossible for the bank of North Dakota to realize upon its slow assets. The general business of the state is transacted in St. Paul and Minneapolis and was threatened by the proposed changes in the affairs of the state. In ordinary times and under ordinary conditions these assets are much sought after as good and stable investments.

TACTICS OF THE OPPOSITION

There were two elements in the forces opposed to the Non-partisan League. One element was for pressing

its present advantage and bringing on a recall election at once, relying on the discouraged condition of the farmers who constitute the great majority of the state electorate. The farmers need financial assistance which they do not appear to be able to obtain now through the sources offered by the present state administration, but which is promised to them in the event that a change of administration is had.

The other element was for waiting until the primaries in June of 1922 for further action. This last element was controlled by the friends of Senator McComber, who has been accused by some of the members of the Independent Voters' Association, the anti-League organization, of being in an offensive and defensive alliance with the leaders of the League. The reason for their position was the fact that the logical candidate for the governorship was R. A. Nestos, of Minot, who came close to beating the Senator in 1916, and who represents the progressive Republicans of that time. Apparently the Senator is not desirous of letting the power of the governor's office go to one whom he appears to consider as a political enemy in his own party. In the event that the action was delayed the Senator's friends appeared to consider that a better opportunity might be had for a candidate of a more friendly character. Supporting this position were many who thought the best interests of the state were not served by so many elections, and who, though opposed to the League, were of the opinion that the various elements which compose it were in the process of disintegration. A victory at the June primaries, therefore, was considered a foregone conclusion.

SUCCESS OF THE RECALL

The element for immediate action prevailed. Nestos, who is of Scandi-

naviand escent, and who has, as state's attorney of Ward county, made a great reputation as a vigorous officer for law enforcement, was nominated at a convention called to discuss men and means for the overthrow of the present administration. On November 8 he was elected to succeed Governor Frazier, who was recalled. The initiated measures directed at certain of the state's new enterprises failed.

Two things are worthy of note. The character of Governor Lynn J. Frazier is conceded by all fair opponents of his economic ideas, to be above reproach. And R. A. Nestos, his opponent, also a man of high character, has always been very progressive and promised the voters of the state that if elected he would give the state enterprises a fair trial under the operation of competent men who understand such businesses.

HOME RULE FOR TWO NEW YORK COUNTIES

BY ROBERT MOSES

Secretary, New York State Association

Westchester and Nassau counties have been granted a measure of home rule by means of a constitutional amendment adopted last election ::

At the election on November 8, the voters of New York adopted a constitutional amendment looking towards improvement in county government in that state. Under the present constitutional county boards of supervisors are established with administrative and legislative powers delegated by the state legislature and also with power to appoint all county officers not elected by the people or otherwise appointed. Town officers must be elected in the towns or appointed by local authorities. It will be seen that there are just enough limitations to prevent setting up a modern consolidated government.

The new amendment passed the legislature of 1920 and passed a second time at the last session. It simply empowers the legislature to provide new forms of government for Westchester and Nassau counties subject to the approval of voters in each county by a referendum vote at a general election in an odd numbered year. Thus no new form of government may be approved

in either county until the fall of 1923. The plan adopted may include the transfer to the county of town functions; must prescribe the manner in which the county may revert to its old type of government; and shall not take from the legislature the power of amendment or modification.

PLANS PROPOSED FOR THE TWO COUNTIES

As a part of a campaign for the adoption of the Nassau-Westchester amendment, the New York State Association, a state-wide civic organization, which absorbed the old County Government Association and its program, published at the request of citizens and organizations in the two counties, bulletins, presenting types of kinds of government which might be set up under the Westchester-Nassau amendment.

In the case of Nassau, the State Association has suggested a form of government under a supervisor-at-large

and board, similar to the statutory plan suggested in 1916 by the Nassau county commission appointed to suggest improvements in local government, but advantage has been taken of the removal of constitutional restrictions on the transfer of town and other local functions. In the case of Westchester several alternative plans are proposed, all involving administrative centralization but differing as to the form of overhead; variations of the commission, county-manager and supervisor-at-large types of government being presented. These plans were printed to give some indication to voters throughout the state of what can be done under the proposed amendment. They have no authority other than that which naturally arises from following the recommendations of an official local commission, the materials and debates of the constitutional convention of 1915, the experience of students of county government in this and other states and the methods adopted by cities, states and the federal government in securing responsible and economical administration.

PRESENT CONDITIONS IN THE TWO COUNTIES

The political and geographical conditions in these two counties are radically different, though the counties both adjoin New York City and must trace their growth and the obsolescence of their county governments to this factor of location. Nassau geographically and politically is a much more compact, homogeneous and evenly settled community than Westchester. Nassau has only three townships and one small city. Westchester has twenty townships. It has three large cities, one of over 100,000 inhabitants and many large villages in the south, and in the north a purely rural, thinly settled territory,

composed of hills, lakes, forest and some agricultural land.

Both Nassau and Westchester are overwhelmingly Republican. The political leadership of Nassau has its headquarters in the board of supervisors and consists of an old-fashioned, unintelligent ring, living on road and other patronage, and principally engaged during the last two years in dodging indictments. This machine is rapidly losing its grip on the county. The political leadership of Westchester is in the hands of business men and lawyers of considerable means and of conspicuous intelligence and shrewdness. Subject to continued control by the party they probably want the best form of government attainable.

Both county governments suffer from irresponsible chief executives and from scattering and duplication of administrative activities. The county supervisors act as representatives of the towns and not of the county at large. The town highway and public works, health, charities and commitment, police, taxation and assessment systems in both counties are inadequate, unsatisfactory, expensive and not properly related to intelligent and economical planning and administration for the county as a whole. There are a host of independent elective county and town officers in both counties who serve to share or further scatter administrative authority. Nassau is the only county in the state which has developed an independent county road system under the exclusive control of the board of supervisors, the entire expense of which is a county charge. County road contracts are not usually let by competitive bids. In order to avoid state supervision and competitive bidding Nassau has not come forward to get its proper share of state aid. In the case of schools and health in both counties consolidation of

districts could be effected without constitutional amendment, but practically these consolidations, especially if a county unit is the aim, will naturally follow or go with consolidation in other fields.

TALK OF CITY-COUNTY CONSOLIDATION

There has been considerable talk in both counties of setting up a city government in place of a county government. In the case of Westchester, this suggestion is generally restricted to the creation of a city out of the southern half of the county. Probably no constitutional amendment would be required for this purpose, and certainly it is not contemplated by this amendment. There are probably almost as many opponents of city charters in these counties as there would be opponents to plans for annexing the counties or part of them to New York City. The arguments against creating more overgrown cities seem to the writer conclusive. There are too many small villages in Westchester, but that need not necessitate the creation of a single

city covering the whole or half of the county. A centralized county government will leave considerable local powers in the hands of the cities and villages, but will undoubtedly wipe out the towns as administrative units. Administratively, most of the towns are nothing but arbitrary geographical areas on a map, pink or pale blue lands that mean little except for purposes of taxation disputes and poor administration. Cities and incorporated villages generally have a real identity and significance to their inhabitants, whose powers of local self-government, where the unit is large enough to function independently, should not be abridged.

At any rate, even from the point of view of the extreme centralizationists who favor city charters, the consolidation of the field of county and town government outside of cities and incorporated villages, must be regarded as a long step in advance. The amendment means that the next two years will see the formulation of plans and the making of experiments which will be of interest to the whole country.

NEW REVENUES FOR CITY GOVERNMENT

REPORT OF COMMITTEE ON SOURCES OF REVENUE, NATIONAL MUNICIPAL LEAGUE

BY LUTHER GULICK

Chairman of the Committee, New York¹

DURING the last few years average city tax rates have about doubled. The latest figures for the entire United States are for 1919, and show an average city tax rate of \$21.50 a thousand

¹The other members of the committee are: Dr. Robert Murray Haig, New York; Harrison S. Keeler, Chicago, Ill.; Miss Mable Newcomer, Poughkeepsie, N. Y.; A. C. Pleydell, New York; Prof. Wm. A. Rawles, Bloomington, Ind.

as compared with \$11.50 in 1909, an increase of 87 per cent. Some computations made recently covering cities in New York State indicate a greater increase during the ten-year period ending in 1920. This rapid increase in the taxation of real estate has produced a vociferous revolt on the part of real estate interests. The chorus of complaint has been swelled by many other

groups upon whom the burden of increasing taxes has also fallen. As a result the executive and legislative authorities of our national, state and city governments have a mandate from the voters to call a halt to increasing tax rates and to readjust the tax burden through the development of new sources of revenue.

Ribot, the French finance minister, once said that it was the end of taxation to get the most feathers with the least squawk. We may say that during recent years the harvesting of the feathers has been attended by a growing squawk.

This demand for reduced taxes and for new sources of revenue is nothing new, nor will it disappear as a result of anything we may say or do. It is one of the eternal problems of democracy. It is as much a sign of political vitality as the heart throb is of physical life. The Committee on Sources of Revenue, therefore, has no illusions as to the possibility of "solving this problem," if we may borrow the term from some of the cocksure reformers who are at large. The committee does believe, however, that there are a number of specific matters which do demand special consideration at the present juncture. The committee has therefore made no effort to prepare an encyclopedia of sources of taxation or to finish a standard made-to-order suit of taxation overalls in the thought that it can be fitted to every city. We have sought rather to center attention upon what seems to us to be the six most pressing problems of local taxation.

RELATION TO STATE TAXATION

First is the problem of the relation of state and local taxation. In view of the fact that there cannot be a complete separation of the sources or of the administration of state and local taxation,

we believe that the broad outlines of municipal tax and revenue systems must be determined in the light of the national and state tax systems, and that the model tax system of the National Tax Association is satisfactory in this regard, though we wish to urge that in its practical application the needs of the cities be recognized. The tendency has been for superior political units to seize upon the most available sources of revenue at the expense of the cities. Local government is doing more than five times as much work as state government, and except for the abnormal expenses of the world war, our cities are spending more money than the federal government. The most intimate services that government is rendering to citizens are furnished by the cities. The protection of health, free education, police and fire protection, streets, sewers, water supply and the many other necessities of modern urban life are, primarily, city services. The Committee on Sources of Revenue wishes therefore to urge that the extensive and legitimate needs of the cities be given adequate recognition in the distribution of revenues collected by the states through the personal and business income taxes provided by the model tax system. (Mr. A. C. Pleydell does not agree with the committee, as he feels the extension of income tax legislation is undesirable.)

BUSINESS AND LICENSE TAXES

The second problem we wish to call to your attention is that of the business, occupational and license taxes. During the last few years, cities in their search for more revenues, particularly in the south and west, have adopted many sorts of special business and license taxes. The Boston Committee on New Sources of Revenue has even gone so far as to urge a municipal retail sales

tax on the theory that such a tax is more direct than the tax on real estate.

This committee believes these cities are on the wrong track. We believe the Boston proposition is utterly wrong. Undoubtedly (1) genuine regulatory licenses, (2) charges which compensate the city for special services rendered, (3) fees for privileges and (4) fines should be increased to meet the new costs and the shrunken value of the dollar, but the levying of so-called business license taxes on every profession or type of activity that can be found in the dictionary, especially with the types of gradation commonly in use, is undesirable. A much fairer method is to adopt the personal and business income taxes recommended in the model tax system.

SPECIAL ASSESSMENTS

Our next point deals with special assessments. This committee has made a careful study of the subject of special assessments during the past two years. We find that a great many cities are still financing their permanent public improvements by bond issues and taxation instead of by special assessments against the land that is directly benefited by the improvements. We find also that very few of the cities that have adopted the policy of special assessments are following a consistent and businesslike policy. We believe in the policy of special assessments. A much larger share of the cost of public improvements should be borne by the property benefited than is now the rule with a corresponding reduction of the share to be financed by general taxation. The committee has prepared a report of some detail on the subject of special assessment administration which will be printed in the near future as a supplement to the NATIONAL MUNICIPAL REVIEW.

SIGNBOARDS

There is no need of urging upon members of the League the levying of taxes upon signboards. There is now ample justification and legal precedent for levying taxes upon signboards, not merely for the revenue which such taxes would produce, but also for the control which such measures may give over outdoor advertising which, when utterly unregulated, is dangerous, offensive and unsightly. Signboard taxation should recognize that it is not so much the size of the sign that governs its tax-paying ability, as its strategic location, and that signboard taxation should therefore bear some relation to the earning power of the sign. This can be done either (1) by determining rates according to fixed zones, as in Baltimore, (2) by regulating rates to the unit foot value of the street or (3) by taking a certain percentage of the rental value of the sign. Such tax provisions should, of course, be coupled with directly regulatory features and the prohibition of certain types of signs.

TAX LIMITS

We do not believe in tax limits. With very few exceptions, tax limits have not worked satisfactorily. In most cases they have not actually limited taxation. Tax limits have encouraged unsound bonding. Tax limits are contrary to principles of municipal home rule. We believe that cities should be given an opportunity of deciding for themselves what services they need and how much they are willing to spend for them. We believe the only effective method of securing a restriction of tax levies without hampering municipal services, encouraging unsound bonding and robbing cities of their rights of self-determination is: first, through the establishment of a

comprehensive and binding budget system which will bring to the attention of the voters the costs of the services which are demanded of the government and the methods by which these costs are to be met; second, the enactment of a complete bonding act which will prevent unsound bonding; and third, the wide distribution among the electorate of the direct tax burden as is provided by the model tax system. (Mr. Harrison S. Keeler and Mr. William A. Rawles do not agree with the committee, as they feel that in certain instances practical considerations make it necessary to retain tax limits.)

THE ASSESSMENT OF PROPERTY FOR TAXATION

The views of this committee on the subject of the assessment of property for taxation have already appeared in published form in the supplement of the *NATIONAL MUNICIPAL REVIEW*¹ prepared by Mr. Lawson Purdy. We believe the essentials of a good municipal assessment system are:

(1) Assessment at 100 per cent of market value.

(2) Tax maps showing the metes and bounds of all property within the limits of the taxing district.

(3) The block and lot system of indexing property holdings and office records.

(4) The adoption of the unit foot system.

(5) The adoption of an approved depth rule, corner influence rule, alley influence rule, plot-tage rule, and such other minor rules as are necessary.

(6) The preparation and adoption of a standard building classification with unit factors of building value.

(7) The persistent collection of all information bearing on property values and its preservation in readily accessible and permanent form.

(8) The preparation of a land value map covering the entire city.

(9) The publication of the tentative assessment-roll where practicable.

(10) The recognition that the work of assessment is a year-round task and is therefore to be administered by a single permanent appointive official whose work should be subject to revision on complaint by a quasi-judicial board of review.

These essentials are drawn from the working methods of the most successful assessors, and their adoption in any community should bring about not only a higher assessment, but at the same time a fairer assessment.

MAYOR COUZENS' RE-ELECTION

BY A NON-PARTISAN VOTER

Mayor Couzens was re-elected in November by a vote of almost two to one, after an extremely bitter campaign. He is a dominant figure among American mayors. :: :: :: :: :: :: ::

MAYOR JAMES COUZENS of Detroit, and the eight members of the nine-man city council, chosen three years ago, who were candidates November 8, were re-elected by substantial majorities. Thus the new city charter, as administered by the first leaders chosen by the people, is vindicated. This carries also popular reaffirmation of the

¹ September, 1919.

whole progressive program which was launched in 1915 with the reform of the election system.

MUNICIPAL OWNERSHIP THE SURFACE ISSUE

Only a small minority, even in Detroit, are aware of the inner meaning of the recent campaign and election, when

viewed from the angle of practical politics. Behind a smoke screen of propaganda, consisting largely of personalities and vilification, there was done a vast deal of subterranean, vigorous political work, under the leadership of forces which have been opposed to the new régime in Detroit's government. By these forces the recent election was regarded, at least before November 8, as "only a trial heat," preliminary to a broader movement by the reactionaries, two years hence, to return to power.

Publicly the issue was joined over the municipal ownership program for street railways which was begun with Mayor Couzens' election three years ago. For thirty years, or since Pingree was mayor, this question has always served as a major issue in local elections. The other issue, which was debated little but which was the point of attack by the old-time politicians, centered around the whole new régime of government, based on the principle of non-partisan, at-large elections and centralization of authority and responsibility. Subordinate to these two issues was that of "the lid" or the policy of full law enforcement begun in 1916 when Mayor Marx, heeding public opinion, named Mr. Couzens, a business man long associated with Henry Ford, as police commissioner. Mr. Couzens began then the policy of positive suppression of all violators of law, including gamblers, prostitutes, and so-called booze-runners. His independence and zeal in this direction, naturally more prominent since saloons were abolished in Michigan by popular vote in 1916, had developed a considerable organized enmity among the "wet" or liberal elements.

The irony of the situation, which finally defeated the opponents alike of the mayor, council, and municipal ownership program, lay in the fact that

the people, at the polls, had previously and repeatedly endorsed the policies which were being carried out by the mayor and council. The old city charter, discarded three years ago, had an entire chapter devoted to municipal ownership of transit lines. This had been carried over bodily into the new charter. On assuming office Mayor Couzens and the street railway commission named by him proceeded to do what no preceding mayor had succeeded in doing: draft municipal ownership proposals, either by purchase or otherwise, which the people would approve. His first plan, calling for purchase at \$31,500,000, was defeated. His second plan, calling for a bond issue of \$15,000,000 to construct new lines in territory not served by the private company, was adopted by 63.7 per cent of the vote. With day-and-night energy the mayor began to make a record for construction and soon had cars running on a few stub end lines, to be later connected into a system which, either independently or in co-operation with the private company, was expected to solve the problem.

Despite many legal battles, which were carried even to the national supreme court, the city's case proved gradually to be established. While money was being spent, there was also a large investment of city funds, largely by bond issues, in other needed material improvements, many of which had been postponed during the war. Inevitably the tax rate ascended. Where a total of \$68,000,000 in bonds had been voted by the people, and the money was being spent for the new M. O. car lines, it also was inevitable that prevailing business depression should offer a grand opening for an assault on the city hall with the cry of "extravagance." While no serious complaints had been made publicly against the nine-man council, its mem-

bers, heeding the mandates of the people, were charged with being "rubber stamps" to the mayor.

Though not a politician himself when elected, the mayor by his acts had made himself so strong politically that there was an astonishing dearth of candidates seeking to contest the position with him this year. Finally Daniel W. Smith, previously unknown to public life, offered himself as the lone contestant. In the primaries a third candidate, frankly announced as a Socialist, was speedily eliminated. For the council positions also there were relatively few offerings, and for the same reason as controlled the mayoralty situation: the administration as a whole had sought to do as the people had ordered.

MAYOR CHARGED WITH BOSS RULE

Though publicly professing his allegiance to the principle of municipal ownership, Candidate Smith made the issue one of alleged extravagance in the city hall, and of mismanagement in the municipal ownership department. His chief campaign cry was "bossism," in which he included the mayor, the *Detroit News*, which has for years led the municipal ownership forces, and all other individuals or groups that by any means could be aligned with the mayor's program. Bitter personalities, charges, and countercharges featured the campaign, to the practical exclusion of intelligent criticism of the administration. The short and ugly word was used all too frequently, but chiefly by the mayor's opponents. Their campaign was cleverly staged and managed by a former newspaper man who, oddly enough, had managed Mayor Couzens' campaign three years before. In view of Mr. Smith's recognized lack of experience in civic affairs, his public statements consisted chiefly of daily articles printed by the *Free Press* and *Journal*,

which had never favored municipal ownership. It was on details of the M. O. plan that attacks were made, and there was a general cry of dictation and boss rule raised against the mayor, the *News*, and the Detroit Citizens League.

Thousands of votes were cast for the mayor because of his vigorous services for municipal ownership. Thousands also went to his cause on account of the vague and foolish attempt that was made to show him up as incompetent in administration of city departments. The people accepted the view that, as the mayor said, he had only sought to do the public will and do it with whole heart. Graft, corruption and favoritism have been unknown. On several occasions the mayor and councilmen gave an account of their stewardship, going into all the details desired by the audience. At every point, even in the field of personalities such as belong in no city campaign, the final vote showed that the mayor and council had done their duty and deserved re-election.

JOHN C. LODGE RE-ELECTED

Couzens received 72,198 votes, Smith 38,895, a majority of almost two to one for the mayor. Eight of the council were returned with heavy votes, and a moderate labor candidate, who declares himself unpledged to any single group, becomes the ninth man. John C. Lodge, a veteran in service, was re-elected president of the council and ex-officio a member of the important election commission. A proposed amendment to the charter which would restore the ward system of elections, with twenty-four wards and twenty-four councilmen, was defeated by 33,990 to 67,875.

Besides several other special questions submitted to vote, all decided on the basis of general intelligence, two in

particular will affect the municipal ownership program. An ordinance requiring the Detroit United Railway to vacate two trunk line streets, where their franchises had expired, was approved by 72,268 to 36,353. The city also was authorized to utilize trackless trolley buses as a part of the street car system.

This election confirms, apparently, the municipal ownership idea as the permanent policy of Detroit. Already there are signs that the D. U. R. expects to co-operate with the city and gradually cease its long fight against public ownership and control. In the broad civic field honesty and efficiency, as well as courage and political independence, have been vindicated. A

long series of local reforms have been supported.

But the character of the recent campaign may well give pause to possible candidates for the mayoralty two years hence — as the campaigners are said to have planned in advance. And it is fairly certain that the next campaign will witness a battle royal between the majority who have worked for better things, and the minority who prefer invisible government, ready access to city contracts and jobs, control by politicians who have party connections in the state and nation, less iron efficiency in the police department, and the ready promise of “low taxes” as bait for the careless business man who “has no time for politics.”

CLEVELAND REVOLTS

BY CHESTER COLLINS MAXEY

Western Reserve University, Cleveland

As all the world knows, Cleveland on last election day adopted the city-manager plan with proportional representation to go into effect two years hence. :: :: :: :: :: :: :: :: ::

NOVEMBER 8, 1921, will long be memorable in Cleveland as the day of the great political earthquake. When the charter amendment embodying the manager plan and a council elected by proportional representation was proposed last spring, it was greeted with arched eyebrows and suppressed guffaws among the “best” people, and with a roaring, raucous, horselaugh among the politicians. “Doc” Hatton was peddling his nostrums again! A professor in politics! It was to laugh! And in order to provide further merriment the dominant political organization framed and perpetrated upon the deluded reformers a huge practical joke that caused “the boys” nearly to

choke with laughter. Upon the filing of the initiative petition by the proponents of the manager plan the clerk of the board of elections suddenly developed a conscientiousness in the scrutiny of signatures that postponed action on the petition until under the law it was too late to secure a special election. According to the scenario a “fadeout” for the reformers was indicated at this juncture, but the reformers refused to fade. Quietly they withdrew the petition and set about the circulation of another, and when this second petition was filed it was discovered that not only did it contain nearly twice as many signatures as the first, but that each signature had been so checked

and verified that there was nothing for the board of elections to do but certify it to the council and nothing for the council to do but order the proposed amendment on the ballot at the general election on November 8.

The campaign in connection with the city-manager amendment was quite devoid of the spectacular. The supporters of the amendment lacked the money to attempt anything spectacular, and the opponents apparently thought it unnecessary. Mr. A. R. Hatton, as the prime mover in the circulation of the petition, naturally became the leading champion of the amendment on the stump. Mr. George B. Harris, an attorney of prominence, was in some way elected to head the opposition. The principal feature of the campaign was a series of joint debates between these two, which covered practically every section of the city and culminated in a great debate before the City Club. In appraising the effect of these debates it may be said that it is generally agreed that Mr. Harris made about as many converts for the manager plan as did Mr. Hatton. Indeed, it was characteristic of the campaign that whenever the opponents of the manager plan made a move, they helped the manager amendment more than they hurt it. And this was particularly true of the hysterical opposition of the *Cleveland News* and the skeptical attitude of the *Cleveland Plain Dealer*. These facts, however, were not apparent until the closing days of the campaign, and even as late as a week before election day many of us who should have known better were of the opinion that the manager amendment had only an outside chance to win. Consequently there was universal astonishment when the official returns showed that it had carried by the convincing majority of 19,684.

CHARTER AMENDMENT CONTAINS NO COMPROMISE

The city-manager amendment itself deserves a special article. It is remarkable in every way—remarkable for the way it was drafted, remarkable for what it contains, and remarkable for what it accomplishes. What the amendment actually does is to repeal all but the first two sections of the existing charter of the city and to add to these two 181 additional sections which in reality comprise an entirely new charter for the city. Perhaps it were better for the present not to go into the history of the drafting of this new Cleveland charter, but it should be said that so far as the writer knows it is the only municipal charter in the country every word of which was drafted by experts and that is totally devoid of any compromise on grounds of political expediency. It is as thoroughgoing and consistent as knowledge and experience could make it. It provides for a council of twenty-five members elected by the Hare system of proportional representation. The city is divided into four districts for the purpose of electing members of the council, the districts electing seven, five, six, and seven members respectively by the proportional representation method. The disparities in membership between the districts are accounted for by disparities in population. The primary object sought in laying out the districts was not equality of population, but social and economic homogeneity. The council is required to appoint a city manager as the chief executive officer of the city, and it is provided that the manager need not be a resident of the city or state and that he shall not be a member of the council. The manager is given power to appoint administrative subordinates whose appointment is not

otherwise provided for in the charter. All such officers and employes are made immediately responsible to the manager and may be discharged by him at any time. The council and its committees are specifically forbidden to interfere in any way with appointments by the manager; and, except for the purpose of inquiry, the council may deal with the administrative service of the city only through the manager. The amendment provides for the creation of the several administrative departments and prescribes their procedure somewhat in detail. Elaborate budgetary provisions are included, and the same is true regarding civil service, franchises, special assessments for public improvements, and many other subjects. It is to be hoped that the NATIONAL MUNICIPAL REVIEW at a later time will find space for an exhaustive analysis of this extraordinary document, which becomes operative on January 1, 1924.

KOHLER ELECTED MAYOR

The second great surprise of the Cleveland election was the mayoralty contest. When Fred Kohler announced his candidacy early in the season, the "best" people held their noses and the politicians winked appreciatively. Fred Kohler was not unknown in Cleveland. Under Mayors Tom L. Johnson and Newton D. Baker he had been chief of police, and Theodore Roosevelt in an exuberant moment had called him "the best chief of police in the United States." But owing to certain erotic indiscretions, charges of gross immorality and conduct unbecoming to an officer had been preferred against him, and he had been tried, convicted, and dismissed in disgrace. Immediately he sought vindication in the political arena and became a candidate for various offices

without success until 1918 when he was elected county commissioner. He was re-elected to the same office in 1920 by an overwhelming majority, and thus was encouraged to try for the mayoralty in 1921. The Republican organization decided to back the incumbent, Mr. FitzGerald; the Democratic organization backed E. B. Haserodt; and Kohler with four others stood as independents. The Cleveland charter with nominations by petition and the preferential ballot was intended to favor the independent candidate, but no candidate without the support of one or the other of the party machines had ever been elected. With the field divided among seven candidates, it looked like a sure thing for one organization or the other. Two things, however, were overlooked in this reckoning: (1) that the people of Cleveland were disgusted with machine politics, and (2) the unique campaign conducted by Mr. Kohler. Mr. Kohler absolutely refused throughout the campaign to make a speech or public address; he announced no program or platform; he did not deny past misconduct or seek to extenuate it; he simply insisted that his record for efficiency and integrity was above reproach, adorned himself with his Rooseveltian decoration, and promised to give Cleveland "the best administration it has ever had." To get into contact with the voters he used a method that was completely baffling to the opposition. Having developed unusual powers as a pedestrian during the years that he served on the police force as a patrolman, Kohler undertook to make a house-to-house canvass of the city. Exactly how many homes he visited in his solicitation of votes is known only to Kohler himself, but it is certain that he managed to get over practically all of the ground that he deemed important. This type of campaign was especially disconcerting

to the other candidates because they had no means of measuring its success, and the inroads he was making upon their strength were not apparent until straw votes near the end of the campaign showed unmistakably that it was a case of Kohler against the field. The election returns showed Kohler leading from the start, and although he did not secure the majority of first choice votes, nor the majority of first and second choice votes necessary to election under the "Mary Ann" ballot, neither did any other candidate. Then under the charter it was necessary to count all choices, and Kohler was found to have a clear plurality of all-choice votes, and was therefore elected.

A MACHINE DEFEAT

Some have chosen to interpret the election of Mr. Kohler as proof-positive of the utter depravity of municipal politics, but penetrating observers will not so construe it. Kohler's two leading opponents were hand-picked machine candidates with no conspicuous personal qualities. Of the independent candidates only Kohler and one other could be taken seriously, but the latter entered the campaign comparatively unknown while Kohler was probably the most widely known individual in the city. Aside from the matter of private morality, Kohler had achieved a reputation in public life for rugged honesty, efficiency, and independence, and he was elected because of this reputation and in spite of the blot on his private life.

In addition to these two outstanding

matters the voters were called upon to elect a chief justice and three justices of the municipal court, to approve or reject two bond issues, and to vote upon three amendments to the state constitution. It is to the credit of the electorate that three of the four men elected to the municipal bench had been endorsed by the bar association and other civic bodies. Civic organizations had urged the defeat of both bond issues, but the voters decided in favor of issuing bonds for the construction of a central library building and against the issuance of bonds for a jail and criminal courts building. Considerations of economy were allowed to prevail in the one instance, but not in the other, which involved a great community service in which all were interested. The three constitutional amendments, not being municipal questions, require no discussion here.

In conclusion I would say that this election was a most inspiring event for those of us who like to believe in government not only of and for the people, but by the people. Our faith has been none too strong at times, and frequently we have been tempted to fear that "the struggle naught availeth" and that the labor and the wounds are indeed vain. But Cleveland has shown us that the people will rise to a great challenge, that they will not shrink before the big and constructive task, and that they can deal with principles as well as with men. And if Cleveland, with her 800,000 people of every race and color and creed, can accomplish such a thing, what may not democracy dare to hope!

FREE CITIZEN OR SLAVE—WHICH¹

BY J. HORACE MCFARLAND

I

A VERY great apostle, who was also a very great man, confidently cited his citizenship nearly two thousand years ago. Humble before God, this citizen Paul was proud of his civic freedom, as the Roman centurion learned whom he checked in the doing of a wrong to him as a freeborn Roman citizen. The soldier who had purchased his citizenship was apologetic before the man from Tarsus.

With this illustrious example before me, I may properly inquire whether I am a free citizen of no mean city, like Paul, and if not, why I am a slave—for in democratic America I must be one or the other despite the thirteenth amendment to the constitution. Either I am a self-respecting, participating citizen of the United States of America, using my privileges and doing my duty as a free citizen, or, neglecting all or part of my privileges and duties, I am more or less a slave to those whom I permit to take my place. I wear either the toga or the chain, or a grotesque combination. There is, there can be, no intermediate state of non-responsibility for sane persons in this land of equal suffrage, particularly since the nineteenth amendment to the constitution removed a long-endured deficiency from by far the better half of our citizenship!

What is this free citizenship which I use or do not use? What are the privileges and duties that determine my

standing as citizen or slave? How can I, indeed, be a slave in free America?

In the imperial Germany of 1914, voters were classified, and one man's vote in Berlin was, as I remember the system, equal to the votes of nearly four hundred other men of Berlin less highly placed or paying less tax. In the United States one man—or now one woman, thank God!—has one vote, and only one, regardless of place or tax. Suffrage is equal and universal, and no one else can legally cast my vote, by proxy or otherwise.

But if I do not cast it, or if I vote without knowledge or sober thought, or at the behest of a boss, my vote is wasted for the good of the nation. In failing to vote for the man or measure that would, apart from partisan claims or political "bunk," best advance my country, I have forged a link in the chain that can enslave me.

This is true, too, whether the vote is for presidential electors or for governor, for United States senator or for constable. Each time my vote goes wrong—and careless, heedless, partisan voting as such is always wrong—I add a link to my chain.

II

But there are many more ways to lengthen that chain. Voting opportunities come but once or twice a year, though the result of wrong voting may endure for many years, while my opportunities and duties as a citizen recur daily, almost hourly.

Do I fully realize that law enforcement depends upon me, a plain unoffi-

¹ President's Address at Chicago Meeting of the American Civic Association, November 14, 1921.

cial citizen, in very many ways? Law is defined as "a rule of being or conduct," and if the law be one enacted by the constituted authorities I have participated in choosing, or if I am in any community under rule of so-enacted law, I am bound to observe it. I am even presumed to acquaint myself with the law, the excuse of ignorance being no defense should I violate it. But I get the impression in these times that law is not violated unless I am caught at it; or at least that is the logical conclusion one must reach who notes the easy acceptance of successful criminality, particularly in relation to the eighteenth amendment!

Reflection convinces me that to be really free in free America I must not only myself obey the laws of the land, general and local, but must assist or support the officials, my servants, directly charged with law enforcement. If I see a murder committed, and do not do my utmost to prevent it, the law justly considers me with suspicion. Am I any less under suspicion if I see the town, the state, robbed, or laws for the general protection violated?

It is evident that by neglecting my plain duty of allegiance through law obedience and law enforcement I can add many heavy links to my chain.

In an address to the Y. M. C. A. in Washington in 1903, that sturdiest of free Americans whose voice is increasingly a clarion call for good citizenship though he has passed on, said:

We see all around us people who say, "Oh, well, things will come out all right." So they will; but not because there are men who are content to say that they will come out all right, but because there is a sufficient number of earnest men with the root of righteousness in them who are bound to do what will make them come out right.

Theodore Roosevelt lived his righteousness; he never wore a chain!

Probably in no way may I so effectively circumscribe my freedom as

a citizen, so rapidly lengthen and strengthen my chain as a civic slave, as in neglecting to participate in the intimate affairs of the community in which I live.

III

If I have even the beginnings of pride in the community in which I live, I want it to be attractive, good-looking, even beautiful. The first unit of this attractiveness, so far as I am concerned, is my own home. I am not building America right if I do not see to it that my front to the world, whether it be but one window of a single room, or a great mansion, is harmoniously pleasing. When I say front, I do not mean to imply neglect of the back—for many a bad back yard becomes easily the front of neglect and disadvantage.

It is the associated homes, business buildings, schools, churches, and the like, that make up the street and the community. Until the aeroplane becomes the conventional and preferred method of entrance, we will get into the community by the road, the rail and the water. Rather rapidly the majority entrance is coming to be by road, for it was recently discovered that nearly two-thirds of the people who came to Niagara Falls in one day in August came by automobile. Every American community has a road into it, and most American communities are reached by rail, with not so many as ought to be by navigable water.

In any case, when I have made my home good to look at as well as pleasant to live in, and when my neighbors have done likewise, there will be a pleasant approach to the town, by whatever means. But my fellow citizens have not generally done this as yet, for the average approach of an American community is anything but dignified or pleasant or indicative of the importance and public spirit of the

people whose neglect has permitted it. As the town is my larger home, my duty as a free citizen impels me, therefore, to consider carefully, and with a basis of action back of my consideration, whether the approaches are such as I am willing to stand for.

The street itself in my town may be a pleasure or a pain to the passer-by. If I have been careless about my home and my neighbors are likewise, if instead of planning for a beautiful and convenient and dignified street I have planned for the last possible penny out of the last possible square inch of land, the street is likely to be painful in its expression, and when thus painful I have missed my sordid aim. Without any exception it is found that property values are immediately enhanced on those streets which are attractive in themselves. Therefore if I neglect to use my influence, vote, voice, and opportunity as a citizen toward having attractive streets in my home community, I forge another link, this time made up of financial loss and civic shame, in my chain.

IV

What am I proud of in my town? Is it the great factories, the important places of business, the large commercial blocks, the smoke which is said to evidence industry, the billboards which evidence nothing pleasant, that I am proud of when I tell my friends about my town? Or do I tend rather to boast about the beauty of the town, whatever it is? If I did so boast, then I must have been thinking and acting, so far as my own citizenship is concerned, toward making the town better to look at by influencing associations of buildings toward a civic center, for example. I have been anxious that the churches, very considerably supported by the state through remission of taxes, should

add to the attractiveness of the town. I have considered the public buildings associated for convenience should also be associated for prideful beauty. I have insisted that the schools, conveniently situated, should be architecturally good and should provide open play space, not only for light and air, but for better maintaining and building the bodies in which are housed the minds the schools are presumed to educate.

I am usually proud, if civic pride has stirred in me, of the parks of my town, if there are any. Sometimes it is a shameful park that I show my visiting friend, because it is merely a little block of ground with a few bedraggled trees, and some more only less bedraggled junk assembled in this park or square because someone has "wished" it on the town and there is no place else to put it! I may even be proud that an antique or modern cannon is an adornment of this public place belonging to all, overlooking the fact that the English, our civic progenitors, have hidden in a museum in the Tower in London their middle-age instruments of torture while we in America are spreading them as ornaments to our public squares!

If I happen to be a forward-looking citizen as free of chains as was the great American whose words I have recently quoted, I have done my part toward securing adequate and convenient recreation for all the people of my town, and at least an acre for every one hundred people is in developed park use. I may even be thinking of music for the people, and movies for the people, and a possible dignified open-air theatre which is to take the place of the vulgar and outrageous grandstand which has heretofore been the American town's way of celebrating a great event by the perversion of pine and the degradation of the colors.

If I am a chained citizen I have accepted without effective objection the avoidable industrial smoke which coats my collars and my countenance with carbon, the perverted trees which carry a network of wires along the streets, and the billboards which sell my eyes without recourse or profit. It is without a spirit of irreverence that I pervert a Pauline utterance when I say, "Poles, smoke and the billboard, these three; but the worst of these is the billboard!"

I know, if I have begun to shake off my shackles, that economic conditions and an awakened public interest are rather rapidly forcing most of the poles off the highways, the wires they have heretofore carried being much more safely sheltered underground to the relief of the forests and to the advantage of the corporations. I have discovered that most smoke is wasteful and can be avoided, to economic advantage, and I have also discovered that it is not necessary, morally, legally or financially, to endure the smoke disadvantage.

But have I yet waked up to what the billboard does to me and my children and my friends? Do I realize that it is altogether unethical, altogether contrary to the theory that I am my brother's keeper, to have a blatant sign desiring to sell me something thrust upon me wherever I go? I admit that advertising is a vast force, and an important and indeed necessary force in the world, but I do not admit that I must submit to its seductions, or in my case to its repulsions, on the billboards seven days in the week, twenty-four hours in the day, under the modern brilliantly lighted intrusions that our great cities permit. I am coming to believe that when we are all free of chains of custom, when we have done some thinking for ourselves, we will make the merchants realize that the

conventional billboard is a definite and complete instruction *not* to buy, and then the billboard business will disappear. Meanwhile, as a free citizen I shall want to press against the billboard intrusions everywhere and all the time, in the city where the sky sign makes a great highway look like illuminated hysterics, in the country where noble scenery is subordinated to the demands of the tire merchants, and even in the lovely tree-decked village where some enterprising national law-breaker has "sniped" his tobacco signs and his stove slogans over everything into which he can drive a nail.

V

If I have shaken off my chains and am again a free citizen enlightened by what I have had to do to be free, I am looking beyond the community through the county and the state as my concerns to the nation, which, after all, is my greatest eventual concern. I may be working with neighboring communities toward county parks for the general good, and this I say even if my community is a farming community, for I believe that more baseball and more tennis would increase the production of wheat and of milk through the strengthening energies of the farm men and the farm women.

I will be thinking in terms of state parks for the honor and glory of my commonwealth. I shall want to have great memorials peculiar to the state preserved for all time as precious possessions, and I shall insist also that the larger recreational use not practicable for the community is served in the open areas for camping and living next to nature, that only the state can properly provide.

Then I will begin to sing truly, and not perfunctorily, the national hymn. I will love the rocks and the rills, and pro-

tect the templed hills that have wisely been included in the national parks. I will protect them against the selfish interests which want them for any purposes other than those which serve every citizen—recreation, education, enlargement. I will insist that the Yosemite and the Yellowstone, that the glaciers and the big trees, that the mountains and the valleys now in the national domain be held and developed as a sacred trust not only for me, but for mine that are to follow. I will resist with my vote and my money and my voice the insidious attacks of those who for selfish interests would destroy or diminish the glory and the usefulness of these items of patriotism I have sung about.

Yes, I may even insist that some time before the voice of Niagara is wholly stilled or substituted by the roar of the turbines, that that greatest glory of God on the western hemisphere is to be kept as His spectacle and not as a great workshop.

Is all this a dream, a phantasy? Not at all. No item has been mentioned which is not my responsibility and yours. Nothing has been discussed which is not within my privilege and my responsibility as a citizen. The determination of my relationship to these things and to the others which will occur to the mind of thoughtful men and women is in the last analysis my own determination as to whether I will be a free citizen or a slave.

DEADLOCK IN PUBLIC UTILITY REGULATION

IV. THE CHARACTER OF THE COMMISSIONS, AND WHAT SHOULD BE DONE

BY JOHN BAUER, PH.D.

Consultant on Public Utilities, New York

For the present at least, regulation will be found more desirable than public ownership or service-at-cost. But partisan politics must be driven out and the personnel of public service commissions improved.

IN previous articles, the writer discussed the failure of public utility regulation to develop sound financial policies, to provide an adequate machinery for proper adjustment of rates upward or downward according to changing conditions, and to determine and enforce economical methods of operation. Regulation has thus permitted the continuance of higher operating costs and higher rates than necessary, and has helped to bring about financial impairment of the companies.

The catalog of sins—particularly of

omission—is great and the question naturally arises whether regulation has not been such a failure that the commissions ought to be abolished and the policy of regulation abandoned. While no conclusive answer can be made, for it depends predominantly upon personal point of view, to the writer, who has tried seriously to avoid bias and to keep in mind only the requirements of economical service at the lowest possible rates, it seems a hasty and undue conclusion to abandon regulation altogether because there have been

grave deficiencies and failures. The chances of removing the difficulties appear much better than the establishment of any other general policy of protecting and promoting the public interest in the various important services.

ALTERNATIVES TO REGULATION

Regulation has become established as a general public policy toward utilities. In the first place, it would be exceedingly difficult to bring about an abandonment of a policy which has so thoroughly become a part of our accepted legal and public points of view. Second, it would be still more difficult to substitute another plan with the hope of universal acceptance to meet squarely the requirements of economical service at reasonable rates. There are only two general policies which might be considered as alternatives to regulation: (1) direct municipal or public ownership and operation, and (2) operating contracts between municipalities and companies. Space prevents an adequate discussion of either alternative, and we may confidently assume that the utilities cannot be turned over to the companies as strictly private enterprises without any regulation or control for public purposes.

There are many *pros* and *cons* in regard to public ownership and operation. All arbitrary constitutional and legal restrictions should, of course, be removed so that every municipality would be free to determine for itself its own policies. If any city wishes to undertake direct municipal ownership and operation, it should not be prevented, but it must be able to finance the proposition, and all private investments must be reasonably safeguarded to make impossible any real confiscation of property.

At the present time, however, it is

exceedingly doubtful whether this proposal could be carried out in many municipalities, because of the political and financial conditions, also because of apparently unfavorable public sentiment. While undoubtedly there are places where it would succeed and under the particular circumstances would offer the wisest course for the community, as a universal proposition it cannot be confidently offered to replace regulation. To anyone acquainted with municipal government, it is clear that before satisfactory public operation can be reasonably expected, with efficient management, we must not only have a great change in public sentiment, but particularly a thoroughgoing reorganization in governmental form so that the officials charged with administrative responsibility will be selected for their technical or professional ability and not because of their political connections.

The second alternative,—special operating contracts between municipalities and companies,—has not been extensively tried to justify much of an opinion as to its reasonable expectations in conserving adequately the public interest in the utilities. The service-at-cost contracts between a number of municipalities and street railway companies have not proven such an unqualified success to recommend them as a general policy for the country at large. Such agreements may serve excellently in particular circumstances, especially where the cities are in a sufficiently powerful tactical position in negotiation to force from the companies reasonable terms for the public. Frequently if not usually, however, the companies are entrenched with such special privileges that they have the advantage in negotiation and are able to exact unduly favorable terms for themselves, especially if the cities are seriously

determined upon a cost of service agreement.

Personally, I feel convinced that there is no single way which leads to a universal solution for all the cities under all circumstances. In some instances direct municipal ownership and operation will be appropriate and should be adopted. In other cases, the service-at-cost plan will be practicable and will meet excellently the particular situation. In general, however, not only are the political, tactical and operating conditions unfavorable for the universal introduction of these alternatives, but there is the extreme difficulty of deliberately bringing about a country-wide reorganization and introduction of a new policy.

Let me emphasize that the advantages of regulation are its actual country-wide existence and its fundamentally sound purpose of conserving the public interest within the limits of private rights. Moreover, it is clothed with all the force of the police power, which may override private pretensions and mere obstruction for the public good, provided there is no undue confiscation of property. If vigorously and intelligently exercised, it can effectively dispose of unjustified claims and demands which would stand as almost insurmountable obstacles to the introduction of successful municipal ownership and operation or desirable service-at-cost plans.

THE DANGER OF EXCESSIVE VALUATIONS

If a city were to proceed directly with an announced policy of municipal ownership and operation or the introduction of a service-at-cost plan, except under unusually favorable circumstances, it would be compelled to recognize undue valuation of the property and thus immediately handicap the success of the undertaking. Even

if it could acquire the property through condemnation, it would almost certainly have to pay excessive amounts not only for the physical plant and equipment, but for the franchises and the right to operate which usually represent no investment and would not be allowed any value under effective regulation. Similarly, in bringing about a service-at-cost contract, it would usually be compelled to recognize a greater valuation on which a return would be allowed than is just to the public. This has been the repeated actual experience, due to the eagerness of the city to proceed with a particular plan which the companies are not compelled to accept. The city would usually be at a disadvantage in the negotiations, and the companies would profit accordingly.

PRACTICAL ADVANTAGES OF REGULATION

The chief advantage of regulation, therefore, is not only its universal existence, but vested with the police power it is able to impose directly upon the companies what it itself deems to be desirable or necessary for the public welfare. If vigorously pursued and based upon clear understanding of what is desirable and necessary for permanent public policy, it can directly without negotiation eliminate all unjustified claims of investors, establish outright the amount of the investment upon which a return is allowed, and otherwise fix the terms for proper service at reasonable rates. The valuations thus fixed are conclusive, subject to review by the courts, whether they are satisfactory to the companies or not, or whether they would be acceptable in negotiations for a municipal ownership or service-at-cost contracts. Similarly in other matters affecting the public interest, intelligent regulation can cut through all technical obstacles and

pretenses, look only to the realities of the private rights, and fix such terms and conditions of service as are reasonable. This, let me emphasize, would be achieved through the exercise of the police power as an act of sovereignty, and not through negotiation for purchase or contracts involving the use of the properties. This is the fundamental advantage of regulation as a universal policy over alternative methods.

If on the one hand regulation has the advantage of existence as a general policy and has the power to cut through arbitrary obstacles raised by private interests against public requirements, but if nevertheless it has signally failed in carrying out fundamental public purposes,—is not the more promising course to modify and invigorate regulation to make it an effective and workable proposition rather than turn to other ways which in most instances are probably blocked with even greater difficulties?

THE POLITICAL CHARACTER OF PUBLIC SERVICE COMMISSIONS

The outstanding difficulty of regulation is one that can be remedied to a large extent if there is a moderate public opinion reasonably well organized to bring pressure upon the appointing power of the commissions. With comparatively few exceptions, the commissioners have been appointed not for their understanding of the problems and methods of regulation, but because of their political connections and party services. Moreover, political factors have become increasingly powerful since the earlier commissioners were appointed. The commissions, with few notable exceptions, have had little interest in their responsibilities and have not understood or even been aware of the problems confronting them. They have been more eager to

forward their personal political connections and to support the strategical movements of their party organizations than to study the requirements of regulation and to establish suitable machinery and methods for the purpose.

Because of the political connections, the commissioners have not only had little interest in their responsibilities but have often if not usually deliberately dodged them in order to play safe with political consequences. They have simply followed the characteristic political course to take no positive action that can be avoided and might cause opposition. To safeguard their political connection, their chief concern has been to dodge responsibility and to "pass the buck." This fact has further resulted in preventing men of real ability from accepting appointments and has gradually bound the technical departments with red tape, transforming them into traditional governmental bureaus interested largely in self protection rather than in serious and vigorous public efforts.

Personally I have been closely acquainted with the technical departments of one of the leading commissions of the country. I know the ability and zeal that characterized the original staff and I know how these fine qualities have been "red taped" by repeated frustration of effort. The sham of successive reorganization of the commission, the obvious insincerity of every new lot of appointments, and the inevitable injustice incurred by the technical men through numerous and changing political appointees, have gradually driven many of the best men from the service and have reduced most of the rest to mere job-holders. The decadence of the personnel and spirit of this commission is a depressing fact to anyone who knows the history and is interested in sound public policy and administration.

ELIMINATE PARTISAN APPOINTMENTS
AND REMOVALS

Now, why is it not possible to have the commissions appointed for their ability to serve and to retain them as long as their services measure up to their responsibility? The positions are quasi-judicial in character and if properly filled require profound understanding of public policy and technical detail of procedure. We succeed moderately well in the appointment of judges, requiring the requisite ability even if political considerations are not entirely eliminated from the selection. Why cannot the same standards be applied to the appointment of commissioners, with the same continuity in office, raising the positions above the spoilage of sheer partisan appointments?

This is the necessary reform if regulation is to be made effective. It must precede the establishment of sound principles and workable methods. The right men can be found if they are chosen for their ability and are given a free chance to serve. Most of the commissions have had technical men whose ability should have been recognized by promotion. Moreover, in spite of the political control, high-grade men have been appointed repeatedly who took their task seriously and proceeded to perform their public duties conscientiously. These men should have been left in their positions to continue their services, but almost invariably with a change in political administration, they have been removed from office and succeeded by new partisan appointments.

The decadence of the commissions and the poor opinion that has come to be held of appointments is probably due more to the removal of men with proven ability and conscientious service than to the original political factors determining the appointment. Political

removal, therefore, has undoubtedly been even a more serious evil than political appointment. But the two have gone together and have worked cumulatively for the degradation of the commissions.

The elimination of politics, or the greater portion of it, both from the appointment and the removal of commissioners is entirely feasible, if the need is clearly comprehended and an effort is made by comparatively few non-partisan interests well organized to secure publicity and bring pressure upon the appointing power. For example, the Municipal League, acting with local civic organizations and enlisting the support of a few progressive and influential newspapers, could practically prevent the filling of commissions with mere politicians. These forces could bring about the successful reappointment of good men and could compel the recognition of merit by appointments from technical staffs. While not reaching directly the masses of voters, they could bring about intelligent and forceful public opinion, which comparatively soon would place the commissions in a proper exalted position and prevent their descent into the sloughs of party politics.

DIVERSE RESPONSIBILITIES COMPLICATE
REGULATION

There is, however, another non-political feature of the commission's work which nevertheless tends to prevent aggressive action and which therefore should be clearly understood and intelligently provided for. The commissions form an unusual combination of legislative, administrative and judicial functions, and in this extraordinary combination they represent on the one hand directly the interest of the public, while at the same time, they must pass on judicial questions affecting the

rights of the companies. In fixing reasonable rates, or in other matters, they must represent directly the public interest, but they must also regard the equities of private investors. In other words, they must appear both as council or prosecuting attorney for the public and act as judge in the private interests that are affected.

These are rather incompatible responsibilities which for the most part are avoided in our system of law. In rate cases the public and private interests, of course, have been antagonistic, and under our general system of law each party would have been expected to present its claim before a judge who has no direct interest in either side. The commissions, however, are expected by the law to represent actually the public and to pass judicially on the antagonistic claims under consideration. This is often a difficult and embarrassing task, which naturally would make men hesitate to proceed too vigorously with public responsibility.

In a large measure, however, this conflict of duties is inevitable and for that very reason, the highest class of ability is needed on the commissions. They simply must have men with understanding and personal force to carry out their difficult responsibilities. They have no place for persons brought up and skilled in the game of "passing the buck." Their job is to protect and advance the public interests with justice to private investment, and they must be adequately equipped to carry out this complex duty.

While these inconsistent responsibilities are inevitable, their influence to slow down action must nevertheless be recognized. For this reason, perhaps not consciously expressed, the larger cities often appear by counsel before the commissions to press actively the public rights in rate cases. The companies invariably are represented by

counsel not depending upon the commissions to act without such appearance. The development of the corresponding municipal representation by counsel has followed a natural tendency and should be greatly extended. The cities as such have no quasi-judicial responsibilities, are in closer touch with public opinion, and will therefore press more energetically the public needs, compelling the commissions to take more speedy and positive action.

But in spite of desirable municipal appearance before the commissions, these bodies cannot be freed from their conflicting responsibilities. To carry out their larger duties they must constantly make investigations into service and methods of operation and work out principles and methods to forward the public welfare. They are essential as expert bodies to determine the facts, formulate desirable public policy, and to carry it out; in this they must act directly for the public with judicial regard for private rights. Consequently they must have the highest grade of personnel, endowed with requisite understanding and zeal to carry out their responsibilities into vigorous public action.

With the proper commissions, understanding the problems and eager to work them out, the difficulties of regulation would soon disappear and the existing deadlock would naturally dissolve. The laws are for the most part adequate and they can be amended if there is need. Also the requisite technical knowledge exists, if only the commissions had it and translated it into progressive action.

The chief immediate task, with properly equipped commissioners, is to provide a mechanism for continuous rate making and to restore the solvency of the companies. This is a tremendous job, and yet it could be easily enough accomplished if intelligently

undertaken and vigorously pressed. It requires first of all the valuation of the private property devoted to the public service and the determination of the private rights as to future returns. These matters should be settled once for all in every case, so that in future the facts would be constantly shown by the accounts and it would be a mere arithmetical task to fix the necessary increases or decreases in rates. But this requisite, together with others, has been discussed in previous articles and need not be further considered.

Proper regulation is a tremendous

responsibility, but it can be carried out. It requires understanding, public vision, justice, common sense and forcible resolution and enterprise. Men with those qualities are available if we insist upon their selection. The rest is a matter of investigating facts, determining policies and providing adequate machinery and methods to carry out the public purposes, without injury to private rights. All this, to be sure, is the essence of successful regulation, but it can be achieved readily enough if only we have the right personal qualities on the commissions.

A REVIEW OF CITY PLANNING IN THE UNITED STATES, 1920-1921

BY THEODORA KIMBALL

Librarian, School of Landscape Architecture, Harvard University; Hon. Librarian, American City Planning Institute

The annual review by Miss Kimball reflects increasing activity in city planning and zoning. For example, more than thirty states now have laws relating to some phase of city planning. :: :: ::

It is gratifying to the writer, as to all those actively interested in city planning in the United States, that there is far too much news of progress to be compressed into the space of a brief article. Ten years ago the term "city planning" was little known and less understood. In the last year or so, Ohio, Illinois, Indiana, Michigan, Minnesota, Missouri, Kansas, Texas, Tennessee, Connecticut and Rhode Island have passed laws relating to city planning and zoning.

The Massachusetts legislature will shortly be asked for a field secretary for the division of housing and town planning¹ in the state department of public welfare. The Ohio State Conference on City Planning has an aggressive

legislative program, adopted last October, to secure a comprehensive series of laws for Ohio.

The Realtors of California have been leading an educational campaign. Portland, Oregon, announces a successful gift campaign initiated by the mayor's proclamation, which secured 150 dedications for streets and parkways from public-spirited citizens in accordance with the city plan commission's major street plan.

To single out a few "high-spots" in individual municipalities, Philadelphia carried its \$33,000,000 loan ordinance for public improvements four to one and can point with pride to a remarkable precedent in the Fairmount Parkway; Cleveland approved by an overwhelming vote the tax levy for the ac-

¹ First Annual Report for 1920.

quisition and improvement of park lands by the Cleveland Metropolitan Park Board, and has added another unit to its civic center; and Chicago, St. Louis, and Detroit, each with an exceptional number of projects, are marching steadily on their well-blazed ways. Los Angeles reports that city planning has been put into all the high schools, the University of California, and the University of Southern California. Universities in several other states are offering extension lectures on town planning topics.

PUBLICITY METHODS

A considerable number of cities have recently introduced or are about to begin the study of city planning in the public schools, among them Johnstown, Akron, Cleveland, Detroit, Decatur, and Omaha.

Two cities, besides the ever active pioneer Chicago, are conducting educational campaigns among their adult citizens, which deserve special mention: Pittsburgh and Cleveland.¹ These cities have distributed leaflets and fliers well calculated to attract, hold, and enlist their voters, by clever cartoon, succinct statement, and reasoned argument. Two committees of the City Planning Conference which reported at Pittsburgh had reference to publicity methods: one on moving pictures, and the other on the airplane in city-planning work.

RURAL DEVELOPMENT AND THE GARDEN CITY IDEA

An opportunity for a great national demonstration of agricultural community development on sound lines is set forth in Mr. Thomas Adams' report

¹ Note especially: "The People's Business in the Fifth City" and "Zone Plan" (Cleveland) and "Progress" (Pittsburgh).

on the proposed farm city² near Wilmington, North Carolina. Under the leadership of Mr. Hugh MacRea, agricultural colonies have already been successfully started in this region. The first convention of the Tri-State Development Congress (Michigan, Minnesota, and Wisconsin) included rural community planning in its program.³ Señor C. Montoliu has prepared a unique report for the single tax colony at Fairhope, Alabama.⁴

A plan of great interest, adapting the garden city idea to an existing American town, is Mr. John Irwin Bright's for Coconut Grove, Florida.⁵ This proposes a "productive park strip" owned by the municipality surrounding the heart of the town. The plan, discussed by Mr. Thomas Adams,⁶ seems less feasible under present American conditions, than Mr. Adams' new proposal to substitute "agricultural wedges" for "zones," following a discussion at the Baltimore meeting of the American City Planning Institute last winter.

REGIONAL PROJECTS

Several noteworthy examples of regional planning are in progress. Mr. Olmsted and Mr. Comey have made a survey of the Main Line District of the Philadelphia region and prepared a comprehensive plan, including a metropolitan park system,⁷ in a report to the Main Line Citizens' Association.

² Farm Cities Corporation (Wilmington, North Carolina), Publication No. 2, January, 1921.

³ Report of Proceedings, St. Paul, 1921.

⁴ See American City, April, 1921; also report in *Enclaves of Single Tax*, by Fiske Warren.

⁵ Journal of the American Institute of Architects, April, 1921.

⁶ Journal of the American Institute of Architects, October, 1921.

⁷ Brief digest and park map reproduced in City Parks Association of Philadelphia, combined thirty-first and thirty-second annual reports.

The city of New York in co-operation with surrounding municipal and county authorities is planning a highway system for the whole metropolitan area, with the special advice of Mr. Nelson P. Lewis. Most important of all to our national economy is the port treaty recently signed between the states of New York and New Jersey and approved by the federal government to encompass the comprehensive development of one of the great port areas of the world.

COMPREHENSIVE PLAN REPORTS

General plan reports have been issued for seven cities: Hamilton,¹ Ohio; Decatur² and Joliet,³ Illinois; Newton,^{4a} and Gardner,^{4b} Mass.; Bristol,⁵ Connecticut; and Jersey City.⁶ Most of these reports show keen appreciation on the part of city planners of the importance of "selling" the plan through an attractive form of publication. The folio size and handsome illustrations of the Newton plan distinguish it. The Jersey City report is also fully illus-

¹ The City Plan of Hamilton, published by Chamber of Commerce, 1920, Harland Bartholomew, city plan engineer.

² The Decatur Plan, made for the City Plan Commission of Decatur by Myron H. West of the American Park Builders, 1920.

³ City Plan of Joliet, by Edward H. Bennett and William E. Parsons, assisted by H. T. Frost, published by Joliet, City Plan Commission, 1921.

^{4a} Report of the Planning Board, Newton, Massachusetts, September, 1921. Combined annual reports for 1919, 1920, and 1921, including a special report upon a system of thoroughfares, parks, and playgrounds, by Arthur A. Shurtleff, and a zoning plan and ordinance, prepared by John P. Fox.

^{4b} Report to Planning Board, by Kilham, Hopkins and Greeley, 1921.

⁵ Local Survey and City Planning Proposals for Bristol, Connecticut, by John Nolen, 1920.

⁶ Jersey City Development Plan, prepared by direction of the Board of City Commissioners of Jersey City, 1920, by a board of engineers.

trated. The Joliet report contains some fine renderings in color. Of special interest in the Hamilton plan is the section "Legal powers affecting the city plan of Hamilton," by Alfred Bettman, Esq., of Cincinnati.

The Wheeling, West Virginia, Improvement Association has issued some abstracts of reports on several phases of a city plan for Greater Wheeling.⁷ Kansas City, Kansas, has had valuable advice from Mr. Thomas Adams⁸ as to its future development. The combined annual reports for 1919 and 1920⁹ of the City Parks Association of Philadelphia is a live publication, stimulating to read, and an object lesson of what energetic foresight can accomplish.

The single volume containing the annual reports for 1915-1920¹⁰ of the Providence, Rhode Island, city plan commission shows zoning undertaken and realization by a wide-awake commission of the need for a comprehensive plan. The broad scheme in preparation for St. Paul is described in the *Engineering News-Record* for November 3, 1921. Many other cities have plans in preparation. One regarded with especial interest is Springfield, Massachusetts (Technical Advisory Corporation and Olmsted Brothers).

The City Club of Portland, Oregon, has issued¹¹ through its city planning bureau (E. T. Mische, chairman) a tentative *City Plan of the West Side Flat*.

MAJOR STREET PLANS

Portland's city planning commission issued in January, 1921, its *Major*

⁷ Morris Knowles, Inc., consultants, 1920.

⁸ City Planning and City Building for Kansas City, Kansas, presented in report of Thomas Adams, and in address of A. D. Albert at annual meeting of the Chamber of Commerce, 1920.

⁹ 31st and 32d.

¹⁰ 2d to 7th.

¹¹ October, 1921.

Traffic Street Plan, Boulevard, and Park System,¹ Charles H. Cheney, consultant, showing careful original study and also reference to previous city-planning work in Portland. The *Cleveland Thorofare Plan*² came out in the spring of 1921, excellent as publicity material as well as thoroughly studied.

The method of preparing the *Major Street Plan of Pittsburgh*³ is worthy of note. A sub-committee of the Citizens' Committee, with Messrs. F. S. Bigger and Harland Bartholomew as experts, thrashed it out patiently so that it represents to an extraordinary degree a consensus of opinion.

CONTROL OF STREET SYSTEMS

The enforcement of a major street plan and the regulation of street location in residential subdivisions have continued subjects of live interest. The January, 1921, meeting of the American City Planning Institute was largely devoted to it, and the subject was again debated at Pittsburgh in May.⁴ Mr. Frank B. Williams' article, "Enforcing the City Plan," in the REVIEW for July, 1921, is important. The city of New Bedford, Massachusetts, has an unusual and practical method of dealing with plats, the mayor and alderman constituting a board of survey. Rochester, New York, has issued revised platting regulations.

SPECIAL STUDIES

A report⁵ of considerable interest comes from the Minneapolis Civic and

Commerce Association on street illumination, and contains a systematic analysis of street-lighting problems. A special park system report for a small Iowan city is that for Ottumwa prepared for the park board, 1920, by Mr. L. W. Ramsey.

A study of the *Newtown Creek Industrial District of New York City*, put forth by the Merchants' Association, 1921, shows the marked port terminal advantages of a still undeveloped district close to Manhattan.

PORT TERMINAL DEVELOPMENT

Undoubtedly the most important city planning document of the year is the *Joint Report* of the New York, New Jersey Port and Harbor Development Commission.⁶ After an exhaustive study, the commission, created in 1917 of eminent engineers, has presented a comprehensive plan and recommendations for the development of the whole waterfront area of Metropolitan New York. The commission sees the port problem primarily as a railroad problem, and believes that the carrying out of its comprehensive plans would go far towards reducing the high cost of living not only locally, but in all parts of the country.

Subsequent to the inter-state commission's report, there has been issued an independent report,⁷ with different plans, by a New York City special committee headed by the chief engineer of the board of estimate and apportionment.

An inland waterway report of importance in the development of the lake port of Chicago was made in 1920 by Mr. Van Vliissingen to the City of

¹ Bulletin No. 7 of the Commission.

² Cleveland City Plan Commission, Robert H. Whitton and Frank R. Walker, advisors.

³ Issued by the Citizens' Committee on City Plan, September, 1921.

⁴ See Proceedings of the National Conference on City Planning, Pittsburgh, 1921.

⁵ Issued in mimeographed form.

⁶ Published in 1920, with maps, plans, illustrations, etc.

⁷ Preliminary Report concerning the Brooklyn-Richmond Freight and Passenger Tunnel, October 15, 1921.

Chicago Committee on Harbors, Wharves, and Bridges.¹ It advises favorably as to the feasibility of developing Calumet Harbor as a public terminal on the Lakes to Gulf waterway system.

RAILROADS

Two cities making progress in solving the railroad problem are Dallas and Los Angeles. Dallas has already accomplished much in track removal and elevation, according to the plans made by Mr. Kessler and the late Mr. John F. Wallace, and promoted by the Metropolitan Development Association.² The railroad commission of California ordered on April 26, 1921, the Plaza Union Terminal Station for Los Angeles to be proceeded with. The exhaustive report³ of the chief engineer of this state commission, published in 1920, is the basis of procedure. It should be noted that the California railroad commission is an important city-planning agency, and one with exceptional powers to produce results.

RAPID TRANSIT

The St. Louis city plan commission has published another of its series of special studies, dealing with *The St. Louis Transit System, Present and Future*.⁴

The transit commission of New York City, appointed under the acts of 1921 to relieve the intolerable situation in New York, has issued a statement and outline of plan of readjustment for the

New York City street railroads,⁵ promising to publish shortly a general plan for building the new lines immediately required.

A recent report,⁶ prepared by the city engineer co-operatively with other officials of Seattle, proposed a rapid transit down-town subway loop for Seattle to provide for future growth. A rapid transit belt subway is under construction at Cincinnati at remarkably low cost owing to the exceptional topographic opportunities.

HOUSING

The United States Senate committee on reconstruction and production⁷ included in its report a recommendation for the establishment in the department of commerce of a division "for the gathering and dissemination of information as to the best construction practices and methods, technical and cost data, and matters relating to city planning, etc., in order to encourage standardization and improved building practices throughout the country." A division of building and housing (under the bureau of standards) has been established, with Mr. John M. Gries as chief, and advisory committees on building codes, plumbing (sub-committee), and zoning have been appointed by Secretary Hoover. The division is succeeding in securing co-operation from the producing industries which looks towards a decided improvement in the housing situation.

Mr. Veiller's revised *Model Housing Law* of 1920, with its many material changes, and Mr. Leifur Magnusson's *Housing by Employers in the United States*, long delayed in appearance as a bulletin⁸ of the United States bureau

¹ Plan and report, Lake Calumet Harbor, 1920.

² See *Engineering News-Record*, October 20, 1921.

³ Report on Railroad Grade Crossing Elimination and Passenger and Freight Terminals in Los Angeles.

⁴ Published 1920, Harland Bartholomew, consultant.

⁵ September 29, 1921.

⁶ Unpublished.

⁷ 66th Congress, 3d session, Report No. 829.

⁸ No. 263, October, 1920.

of labor statistics, are both important to city planners.

ZONING

Zoning has taken the country by storm. Some of it is being done in advance of even preliminary comprehensive planning. It is expected that Secretary Hoover's advisory committee on zoning, consisting of Messrs. Lewis, Olmsted, Bassett, Veiller, Moses, Knowles, Ihlder, and McFarland will promote a sound knowledge of what zoning is and what steps should be taken to secure its advantages.

A comparison of recent compiled lists of zoned cities shows that nearly fifty have passed zoning ordinances and that about twenty states have enabling acts. Probably a hundred cities have zoning plans started, under way, or almost completed. The very valuable pamphlet by Mr. Bassett, *The Board of Appeals in Zoning*, gives a list with dates of the state and city laws, as an appendix to its lucid statement of the workings of this important piece of mechanism in the administration of a zoning ordinance. This pamphlet brings up to date Mr. Bassett's supplement to the NATIONAL MUNICIPAL REVIEW for May, 1920. The October, 1921, Supplement to the REVIEW gives more compiled information on *The Law of Zoning*, by Mr. Herbert S. Swan.

Any detailed analysis of zoning progress for 1920-21 would be impossible in the scope of this present article. A few of the printed reports which may be secured and examined may be mentioned,—for Pittsburgh¹ and Evanston² (Bartholomew), Cleveland³ and Dallas⁴ (Whitten), East⁵ and West

Orange,⁶ New Jersey (Technical Advisory Corporation, Ford), Cliffside Park,⁷ New Jersey (Swan), and San Francisco⁸ (City Planning Commission). The second annual report of the Buffalo city planning committee of the council (Harry J. March, engineer) deals largely with zoning. The Omaha ordinance (Bartholomew) has not been published.

Zoning has been in operation in New York for five years. A striking effect of the zoning regulations is the far greater average of picturesqueness in the high buildings erected since 1916. More imagination must go into their design, and thus to the city, through the exercise of the police power for welfare and safety, has come a new source of beauty.

CIVIC ART

A publication that brings forcibly to mind the advance in civic art in the last generation is the new Catalogue of Works of Art belonging to the city of New York, published by the art commission and covering the works acquired since its appointment in 1908. The well-chosen illustrations stand proof of the great service which art commissions may render to our cities and the pleasure which well-designed outdoor statuary and monuments may bring.

That we should not be afraid to work consciously for organic beauty

City Plan Commission and the Chamber of Commerce, Metropolitan Development Association.

¹ East Orange Commission on Building Districts and Restrictions. Tentative Report, November 12, 1920.

² West Orange Commission on Building Districts and Restrictions. Tentative Report, June 1, 1921.

³ Zoning Ordinance and Building Code, 1921.

⁴ Approved October 3, 1921.

¹ Issued by Department of City Planning.

² Zoning Ordinance, 1921.

³ The Cleveland Zone Plan (tentative), report to the City Plan Commission, 1921.

⁴ Proposed Zoning Ordinance, prepared by the

in city planning was the plea of Mr. George B. Ford at the Pittsburgh city planning conference. In a reaction from the esthetic emphasis due to the real source of our American city planning movement — the World's Fair at Chicago — we seem to have swung too far. We have now a chance to refresh ourselves at the fountain source. In Charles Moore's *Daniel H. Burnham,*

Architect, Planner of Cities, just published,¹ we have revived the work of American artists in producing a beautiful "white city" out of ugliness and seeming impossibility, and in adapting to the twentieth century the nobly conceived but neglected plan of our capital city. The book is a great contribution to the cause of all civic art.

¹ Houghton Mifflin Co., 1921. 2 volumes.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

St. Paul Votes on New Charter.—On December 29, St. Paul will vote on a new charter to replace the present commission form of government. The new charter, to which the St. Paul Bureau of Municipal Research and other organizations are opposed, provides for a mayor and council of fifteen. The mayor has the power to appoint and remove the various administrative heads and boards, but a separately elected comptroller prepares the budget under the supervision of the board of efficiency. The executive functions are thus divided in a manner which cannot but result in confusion.

The board of efficiency is appointed by the comptroller and is designed to be an agency of continuous investigation and survey into the administrative departments.

Kansas City, Missouri, to Have Charter Commission.—At a special election in November in which less than 20 per cent of the registered voters participated, the proposition to revise the city charter was carried by a small majority. Two tickets for members of the commission were in the field—the “boss” ticket and the “anti-boss” ticket. All but one of the “boss” ticket were elected. A number of these stated after the election that they are opposed to any material change in the charter. A statement of the Kansas City Public Service Institute advises the advocates of city-manager government, who have been active, that there is strong possibility of winning over a sufficient number of the charter commission to secure the submission of a manager charter.

The San Francisco Zone Ordinance.—The San Francisco zone ordinance was passed October 3. Its restrictions are all upon the use of property, practically no limitations upon the height or area of buildings being provided for. It divides the city into first and second residential, commercial, light industrial, heavy industrial and unrestricted districts.

The first residential district is intended for one- and two-family houses, a two-family house being allowed in it, however, only on consideration that at least 5000 square feet of open

space remain upon the lot. From the heavy industrial district are excluded, on the one hand, all residences except that of the family of a watchman, and, on the other, a few of the most objectionable industries, such as abattoirs and glue factories.

There is a provision for the investigation of amendments to the ordinance, and changes on the boundaries of districts, and for hearings on such matters before they are passed, but there is no requirement, in such cases, for more than a majority vote, on protest of property owners affected by the change; nor is any board of appeals created.

FRANK B. WILLIAMS.

The Elections.—As everyone knows, Mayor Hyman was re-elected in New York for a four-year term. The combination of Hearst and Tammany proved invincible. The opposition was unable to strike a popular issue, to discredit Tammany, or to convince the people that they had no designs on the five-cent fare. Hyman talked the old patter about the interests, the traction trust, etc., and got away with it. Tammany won every place on the board of estimate and every contest for borough offices.

Mayor Couzens' victory in Detroit is described elsewhere in this issue. It was a clean case, in which the people returned a public official who has been determined to the point of ruthlessness to follow out the mandates of his people.

In Indianapolis, Samuel L. Shank, Republican, was elected mayor by the largest plurality ever given a candidate for that office over Boyd M. Ralston, Democrat.

The Cleveland election, which was a real surprise to out-of-town observers is discussed at length in this number of the REVIEW. Fred Kohler was elected mayor for two years over W. S. Fitzgerald, the present incumbent, and five other candidates. Cleveland uses the preferential ballot, and it was necessary to count the third choice ballots to determine the winner. Upon the expiration of Mr. Kohler's term of office the city-manager plan, adopted by a decisive majority, will go into effect.

Cincinnati elected the regular Republican candidate, Mr. George Prescott Carrel, in a campaign featured by no issues. The opposition raised the issue of absentee bossism, but the Republican administration had been free from scandal and had undertaken no constructive program to run the risk of arousing opposition. It had, moreover, favored the traction interests, and its aggressive attitude towards a firemen's and policemen's strike had gained the support of the business element. Under such circumstances the Democrats and independents were unable to defeat a smoothly functioning machine.

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Efficiency Ratings in the Federal Service.—

It has been generally recognized during the past ten or fifteen years that a sound wage and promotion policy in large organizations depends on a satisfactory system of efficiency rating. A review of civil service laws for both large and small jurisdictions will accordingly reveal that some provision is almost always made for establishing a rating scheme. But in recent annual reports as well as by personal comments of those acquainted with civil service administration they are very generally condemned. For instance, in the survey of the Washington service made by the Reclassification Commission in 1919 not a single instance of a satisfactory rating system was found. Because of the ill-success of what may be called the pioneer efforts many former advocates of efficiency ratings have become disheartened.

Therefore, it is a most hopeful sign that

President Harding recently issued an executive order empowering the Bureau of Efficiency to establish and help operate a uniform system of efficiency ratings for the departments and independent establishments in Washington. This is to be done in co-operation with the heads of various organizations and with reference to the work requirements. On account of the many types of work represented provision is duly made for as many different schemes of ratings as the circumstances require.

The system proposed will not alone make possible the recognition of merit in the form of salary increase and promotion; it will also go a long way toward settling the "back door problem" that perplexes so many honest administrators. For it is specifically provided that ratings shall be determined "below which no employe may fall without being assigned to other duties or demoted, or both, or dismissed for inefficiency."

Assuming that the Bureau of Efficiency will recognize the futility of set formule, blanket schemes and self-operating systems that are the chief cause of the present state of discouragement, President Harding's order should give renewed impetus to the movement for developing workable systems of efficiency ratings. The conditions for success are prescribed in the Executive Order. They are (1) uniformity in the system itself and in the operation of it by means of active co-operation between a central agency and the departmental heads; (2) diversity in actual rating schemes because of types of work involved.

W. E. MOSHER.¹

II. CITY-MANAGER NOTES

Manager Government for Philadelphia.—The Bureau of Municipal Research of Philadelphia has attracted wide attention by its report outlining what Cleveland's new charter would mean to Philadelphia, should the latter city see fit to adopt it.

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C. M. A. Officers for 1922.—At the annual business meeting in connection with the convention at Chicago, November 14 to 16, C. M. Osborn, manager of East Cleveland, was elected president for the coming year. Charles E. Hewes of Long Beach, California, R. W. Rigsby of Durham, North Carolina, and Fred H.

Locke of Grand Rapids, Michigan, were chosen vice-presidents. Harry H. Freeman was elected executive secretary succeeding H. G. Otis.

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Some Results of Recent Elections.—*Pontiac, Michigan.* Revision of the Pontiac city-manager charter was defeated on November 30 in one of the heaviest votes ever cast in an election of purely local interest. A total of 5,666 votes was cast, of which 2,264 was for revision and 3,402 against it, a majority of 1,138. A spirited campaign against the city-manager charter was fostered by the Workingmen's Voters League,

¹ National Institute of Public Administration.

although local politicians were said to have directed the effort to change the government under cover of this organization.

Otsego, Michigan. At a special election held in Otsego, Michigan, December 6, two amendments designed to abolish the position of city manager and increase the number of commissioners from three to five were decisively defeated. Upon the proposal to abolish the position of city manager, 161 voted "Yes," while 331 voted "No." The proposed amendment to increase the size of the commission found 185 supporters, while 303 expressed themselves as favorable to the smaller number.

Grand Junction, Colorado. At the November election, Grand Junction adopted an amendment to its city charter providing for the city-manager plan. The vote was 1,148 for and 560 against.

Pueblo, Colorado. On the same day that Grand Junction decided to change to the city-manager plan another Colorado City, Pueblo, refused to accept the plan, a majority of 728 being registered against it. Unofficial tabulation of the vote put it at 2,778 for the proposed change, and 3,506 against it. This vote was said to represent about 50 per cent of the registered voters.

Bay City, Michigan. At a special election on November 15, four new members of the commission were selected to take the place of the four recently recalled. As a result of the upheaval, City Manager H. W. Stickle has resigned his position. The old political gang are now in full control of the government, and reports are that offices are being distributed to the "faithful."

Altoona, Pennsylvania. Opponents of the city-manager government in Altoona captured two seats in the council at the November election, defeating two councilmen who ran for re-election. The successful candidates ran on a combined Democratic-Labor ticket. It is reported that the mayor, for political reasons, has aligned himself with the Labor party, and the next council will have a majority of one against commission-manager government. Rumor is current that the position of city manager will be abolished after January 1.

Jackson, Michigan. On November 8 the people of Jackson voted to retain the manager form, but decreed that a commission be chosen to revise the charter.

Labor and City-Manager Plan.—E. A. Numa, editor of the *Dayton Labor Review*, says, "Dayton has operated under the city-manager form of government for the past eight years, and in that period labor has had a square deal."

The Portsmouth, Virginia, Central Labor Union has gone on record as a body opposing any meddling with city-manager government until it has had full time to demonstrate its defects or virtues.

New Appointments.—*New London, Connecticut.* J. E. Barlow, formerly city manager of Dayton, Ohio, has accepted the city managership of the first Connecticut city to adopt the plan.

Benton Harbor, Michigan. Guy Tyler, formerly city auditor, has been appointed city manager at Benton Harbor.

Sherrill, New York. C. B. Salisbury has been appointed manager at Sherrill, New York, succeeding S. E. Northway, who recently resigned.

Manchester, Iowa. Ralph Milroy, who was assistant to City Manager Thomas Wilson, has been appointed by the council to succeed Mr. Wilson.

Stratford, Connecticut. R. H. Hunter has been appointed town manager at Stratford, Connecticut. Mr. Hunter was formerly manager at Ambridge, Pennsylvania.

Morganton, North Carolina. O. B. Lackey of Washington, D. C., was elected town manager of Morganton, North Carolina, to succeed T. O. Cannon, who recently resigned to take a position with the state highway department.

Manager Form Being Discussed.—Interest in the city-manager plan is being evidenced in a number of cities over the country, notably Knoxville, Tennessee; Parsons and Lawrence, Kansas; Waterloo, Iowa; Marion, Indiana; Hattiesburg, Mississippi; Three Forks, Montana; Cherokee, Iowa; Savannah, Georgia; Sapulpa and Tulsa, Oklahoma; Bartersville, Ohio. The city-wide congress of Baltimore has declared in favor of a single chamber council with a city manager for Baltimore.

HARRY H. FREEMAN.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

New Orleans, through its city council, has established a municipal survey commission, empowered and financed to make recommendations concerning all departments of the city government. Mr. J. E. Edmonds is secretary, with offices at 601 Sewerage and Water Board Building.

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The Detroit Bureau has secured the part-time services of Prof. L. L. Thurstone of the Carnegie Institute of Technology, for the development of appointment and promotional examinations for police officers.

*

William H. Nanry has been appointed director of the San Francisco Bureau of Governmental Research, vice Paul Eliel resigned. In October the publication of *The City* was resumed as the organ of the bureau.

*

The Kansas City Public Service Institute has issued a report on a study recently made of the tax bill method of paying for public improvements. In this they suggest a change to the special assessment bond method, asserting that the property owners would be saved, thereby, 10 to 25 per cent on all special assessments.

The Institute has also issued a report of a study made of Kansas City's sinking funds, their present condition and effect of proposed bond issues on the tax rate for debt purposes.

The Taxpayers' League of St. Louis County, Minnesota, has issued a memorandum, regarding the collection and disposition of refuse in Duluth. Its purpose is to bring before the householders, city officials, and members of various civic committees, many of the essential phases of the problem of refuse collection and disposition.

*

The Training Work of the National Institute of Public Administration commenced on September 19. Seventeen formal courses are offered this year for men who are planning to enter city-manager work, governmental research work, or civic work in general.

The National Institute of Public Administration is carrying on the reorganized work of the New York Bureau of Municipal Research and the Training School for Public Service and is laying particular emphasis on the development of its educational program.

During the past summer, the Institute completed a survey of the city government of Salem, Massachusetts, for the Salem Chamber of Commerce, and is now engaged on an extensive survey of the city government of New Orleans, Louisiana, for the municipal survey commission. The Institute is also furnishing technical consultant service to legislative committees in the state of New York and in New Jersey and to the federal post office department.

ROBERT T. CRANE.

IV. JUDICIAL DECISIONS

Contagious Disease Hospital Not a Nuisance.¹—The San Diego Tuberculosis Association was formed for benevolent purposes, and for several years had owned and operated a hospital for the treatment of tubercular patients. The city trustees of East San Diego passed an ordinance declaring every hospital for the treatment of contagious or infectious diseases within the city limits a nuisance, and making the maintenance and operation of such a hospital a misdemeanor for each day it was so operated. The municipality began action against the association, charging the violation of the ordinance. On removal of the case to the supreme court of California, it was held that the maintenance of such a hospital

within the corporate limits was not necessarily dangerous, and that, therefore, the ordinance was unreasonable, and so not justified as an exercise of the police power.

*

Personal Liability of Officers.²—In an action for damages by a landowner, whose crops were flooded through the negligent maintenance of drainage ditches by the trustees of the drainage district, the court held that the liability was personal, as against the trustees, and not as against the drainage district. The evidence showed that the trustees knew of the defective conditions, prior to the flooding, and that it was their duty to repair the ditches, and to prevent the injury to the landowners.

¹ *San Diego Tuberculosis Association v. City of East San Diego*, 200 Pac. 393.

² *Proper v. Sutter Drainage District*, et al., 200 Pac. 664.

Salary Increases During Term of Office.¹—A statute prohibiting the increasing and decreasing of salaries of city officers during their term of office was held not to apply to officers having no fixed tenure of office, but who served during the pleasure of the appointing power.

✦

Court's Power to Interfere in Municipal Employment.²—The chief of police of Seattle discharged a police officer for the stated offense of offering to release from custody a certain prisoner, whom he had arrested for gambling, on the payment to him of a certain amount of money. The civil service commission confirmed this act, and suit was brought to review the order of dismissal. The question that came before the supreme court was, "Did the trial court have authority to review the evidence upon which the chief and the civil service commission had acted in discharging the employee?" The court held that under the city charter, the city government had power to vest in its officers the authority to discharge an employee, and that no court had the right to review the sufficiency of the evidence upon which this body had acted.

✦

City's Power to Restrict Certain Districts.³—The owner of certain property on a principal street in the city of Kearney commenced to erect a gasoline filling station for the purpose of supplying gasoline and oil to motor vehicles. Thereupon, the city council passed an ordinance restricting such erection in the district, covering some thirteen square blocks. Suit was brought to test the validity of the ordinance. The court held that in the exercise of police powers delegated to a city, it was generally a matter for the municipal authorities to determine what rules, regulations and ordinances are required for the health, comfort and safety of the people, but that this action is not final, and is subject to the scrutiny of the courts. In this case the ordinance was held arbitrary and unreasonable, and therefore void.

✦

Special Assessment on Boulevard Improvements.⁴—The charter of the city of St. Louis permits assessments against non-abutting property in the case of widening a street, but prohibits such assessment in the case of widening or

opening a boulevard. In working out a comprehensive boulevard scheme, a certain street was embraced within the plan, and an assessment was made by the city on certain non-abutting property for the benefits received. The property owners refused payment and carried the matter into court. The court held that even though this particular portion of the system had been regarded as a street, it was a mere subterfuge to avoid the charter, by continuing to regard the thoroughfare as a street, and that it should properly be classed as a boulevard, and the assessments were held void.

✦

Citizen's Right to Enjoin Collection of Taxes and to Act for Others Beside Himself.⁵—George Fairley, acting on behalf of himself and all other automobile owners in the city of Duluth, was granted an injunction restraining the city of Duluth from collecting wheelage tax in excess of the amount allowed by Section 352 of the laws of Minnesota, which specified that municipalities in the state could collect a wheelage tax to the extent of 20 per cent of the amount collected by the state, as a tax upon automobiles.

When the law was enacted, the city of Duluth was operating under an ordinance which gave the city the right to collect a wheelage tax from all automobiles which used the city streets, at the rate of fifty cents a rated horsepower, which was considerably in advance of the schedule set by the state. The city did not change its ordinance.

The city contested the injunction on the grounds that one taxpayer had no right to act for others in a matter of this kind, and also that no injunction which would tend to prevent the city from collecting needed revenues was legal.

The lower court decided that the injunction should hold, but gave a certificate for appeal, stating that the matters contained in the suit were both important and doubtful.

The supreme court of Minnesota sustained the lower court, holding that in cases where a common interest is concerned, one citizen may act both for himself and all others so situated, and also that in cases where a large number of different tax collections are concerned, the collection of taxes may be enjoined. These two decisions establish precedents in this state.

The court also affirmed the constitutionality of the state law. ROBERT M. GOODRICH.

⁵ November term, supreme court of Minnesota.

¹ *Bowers v. City of Albuquerque*, 200 Pac. 421.

² *Ford v. City of Seattle*, 200 Pac. 568.

³ *Standard Oil Co. v. City of Kearney*, 184 N. W. 109.

⁴ *Albers v. City of St. Louis*, 233 S. W. 210.

V. MISCELLANEOUS

Death of Noted Town Planner.—Hans Eduard von Berlepsch-Valendas, architect, town planner and author, died at Planegg, Munich, Bavaria, August 17, 1921.

Berlepsch-Valendas was a Swiss by birth and allegiance. He was the author of "Die Garten-Stadt Bewegung in England," "Die Garten-Stadt Munchen-Perlach," and other books on town planning. His cordial hospitality to Americans interested in town planning during the period of more than a decade is worthy of special mention and record.

✱

The Baldwin Prize for 1922.—The William H. Baldwin essay contest for 1922 is open, as heretofore, to undergraduates of American colleges and universities. The subjects suggested for this year are (1) Special Assessments as a Substitute for General Taxation for Public Improvements; (2) The Consolidation of City and County Government within Metropolitan Areas; (3) Municipal Employment Policies. The amount of the prize is one hundred dollars. For further information, address Prof. E. A. Cottrell, Leland Stanford Junior University, Chairman of the Committee on Prizes, or H. W. Dodds, Secretary of the League, 261 Broadway, New York.

✱

A Citizen's Bond Committee.—Oklahoma City and Oklahoma County voted on large bond issues on November 26. In order to get popular backing for the establishment of the improvements which the bonds will pay for, the city commission organized a citizens' bond committee. The committee was to raise its own finances, and in every way be a body independent of the city government. The main purpose of the committee was to lay before the people full information about the proposed improvements and the bond issues necessary to finance them. The Committee numbered about sixty and was thoroughly organized to cover the last detail of the campaign.

It was expected that such an organization would go far toward educating the citizenship as to the needs of public improvements and securing their votes for them.

F. F. BLACHLY.

✱

City Officials Check Up on Own Work.—The mayor and council of the progressive city of Flint, Michigan, wishing to be sure that their

departments were operating to the best advantage, recently employed the Institute for Public Service of New York City to make a study of the operation of all the city departments. This study is not as yet complete, but by pursuing the method of working out the results in constant contact with the department heads and the council, many of the recommendations have already been put into effect.

This is one of the few instances where a city government feeling that its work is being exceptionally well done and without pressure from the outside for an "investigation," has adopted the business precaution of checking up to be sure that nothing has been overlooked in making their operation most effective.

GAYLORD C. CUMMIN.

✱

Ohio State Conference on City Planning at its third annual meeting in Columbus in October adopted a legislative program. Bills will be prepared covering each matter and their passage urged. The subjects of legislation are: (1) A constitutional amendment removing the 50 per cent limitations on the appropriation of property which may be included in a special assessment; (2) a statute providing for regional and county planning; (3 and 4) statutes concerned with the platting or subdivision of land; (5) extension of city-planning laws to include villages and to charter cities which do not have a form of organization providing for city-planning commissions; (6) an amendment to the present zoning law eliminating the clause which states, in effect, that nothing in the zoning law shall be construed to permit a municipality to reserve by means of a setback line, a strip of land for future street widening without compensation to the owner.

✱

Spartanburg to Have Plan.—The park commission of Spartanburg, South Carolina, has entered into an agreement with John Nolen, town and city planner, for the preparation of a comprehensive city plan. This will include a planning survey, general city plans and report covering: main streets and roads, with typical street sections, giving width and subdivision of same; right-of-ways for railroads and locations for stations; parks, play-grounds, and other open spaces, with location, use and general character of development proposed; approximate locations

of districts or zones for various classes of development with proposed restrictions; and locations for the principal public buildings, especially those to be grouped in one locality.

The agreement provides for consultant services for a period of three years, and the preparation from time to time of design and construction plans for the Spartanburg park commission.

The expenses of the planning work will be met jointly by the Spartanburg park commission, the city council and the Spartanburg Chamber of Commerce.

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Massachusetts Celebrates Eight Years of City-Planning Progress.—Confidence was the keynote of the eighth annual conference of Massachusetts planning boards at Winchester, October 19. The value of continued effort was plainly indicated,—first by the attendance, 174 members; second by the large number of planning boards represented, 34; and third by the distinguished character of those who came as individuals,—three mayors, heads of two state departments, several of the leading senators and representatives of the state, and finally by the participation of the speaker of the house, B. Loring Young, who, referred to by one speaker,—pretending to jest,—as the “successor” of the governor, opened the conference in his behalf, and proved by his enthusiastic handling of the subject and his keen suggestions for action that town planning had “got to” him.

Many conferences meet in spite of the disadvantages and the discomforts of the modern city: not so this one. Its setting was itself a revelation of what planning can do. Few municipalities can show so many of the town planners’ dreams worked out on the ground: a town center, with dignified public buildings informally grouped in

a delightful setting along a reclaimed and parked stream, its bridges works of art; adjoining the center an extensive playground, replacing a disorderly railroad yard and tumble-down tannery; beyond, a metropolitan park skirting the charming Mystic Lakes and thus preserving and enhancing their beauty; connecting all these a parkway, with trees maturing, leading through and above the town to a metropolitan reservation of wild land vast enough for real outings; within its borders the town water supply, three attractive reservoirs on a forested watershed without a single residence to endanger its purity.

Against the indiscriminate erection of billboards Speaker Young presented the strongest possible case, one against which the billboard interests have thus far been able to make but little impression, in their efforts to secure permits from the state division of highways, as required by the new law. His ten points will serve as a foundation for the arguments of each city and town that desires to be heard against the general granting of permits for billboards in its area. They are: fire risk, harboring of filth, hiding of criminals and immorality, wind hazard, danger to traffic from the very fact of their taking the driver’s attention from the road, breeding of insect pests, depreciation of taxable real estate values, ugliness, and impairment of the value of public improvements, such as parks and scenic highways.

ARTHUR C. COMEY.

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Error in State Parks Supplement.—Our attention has been called to a typographical error on page 599 of the State Parks supplement to the November REVIEW. The date on which final approval was secured for the Bronx Parkway was 1913 instead of 1903 as printed.